

TITLE SHEET

KENTUCKY TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Mercury Long Distance, Inc. with principal offices at 240 Arch Street, Suite 2000, Philadelphia, PA 19106. This tariff applies for services furnished within the State of Kentucky. This tariff is on file with the Kentucky Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JUN 30 2001

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: Stephan D. Bell
SECRETARY OF THE COMMISSION

Issued: March 30, 2001

Effective: June 30, 2001

By: Neal D. Saferstein, Chief Executive Officer/President

Mercury Long Distance, Inc.
240 Arch Street, Suite 2000
Philadelphia, PA 19106

CHECK SHEET

Sheet 1 through 20 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

<u>SHEET</u>	<u>REVISION</u>
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SYMBOLS

The following are the only symbols used for the purposes indicated below:

- D - Delete or Discontinue
- I - Change Resulting in an Increase to a Customer's Bill
- M - Moved from Another Tariff Location
- N - New
- R - Change Resulting in a Reduction to a Customer's Bill
- T - Change in Text or Regulation but no Change in Rate or Charge

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TARIFF FORMAT

- A. **Sheet Numbering** - Sheet numbers appear in the upper right corner of the sheet. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. **Sheet Revision Numbers** - Revision numbers also appear in the upper right corner of each sheet. These numbers are used to determine the most current sheet version on file with the KPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the KPSC follows in their tariff approval process, the most current sheet number on file with the KPSC is not always the tariff sheet in effect. Consult the Check Sheet for the sheet currently in effect.
- C. **Paragraph Number Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.1.
 - 2.1.1.
 - 2.1.1.A.
 - 2.1.1.A.1.
 - 2.1.1.A.1.(a).
 - 2.1.1.A.1.(a).1.
 - 2.1.1.A.1.(a).1.(i).
 - 2.1.1.A.1.(a).1.(i).(1).
- D. **Check Sheets** - When a tariff filing is made with the KPSC, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new sheets are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no other symbols used on this sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the KPSC.

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Mercury Long Distance, Inc.

K.P.S.C. Tariff No. 1
Original Page 6

PRELIMINARY STATEMENT

Applicability

Applicable to business and residential, individual and party line, flat rate exchange service.

Territory

Within the base rate of al exchanges serviced between and within all latas located in the State of Kentucky.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement which connects the customer's location to a Mercury Long Distance, Inc. network switching center.

Authorization Code - A numerical code, one or more of which are available to a customer to enable the customer to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

Company or Carrier - Mercury Long Distance, Inc.

Customer - The person, firm, corporation or other entity which orders service and is responsible for both payment of charges due and compliance with the Company's tariff regulations.

Day - From 8:00 a.m. up to, but not including, 5:00 p.m. local time Monday through Friday.

Evening - From 5:00 p.m. up to, but not including 11:00 p.m. local time Sunday through Friday.

Holidays - Mercury Long Distance, Inc.'s recognized holidays are New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Veterans' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day.

KPSC - The Kentucky Public Service Commission.

Local Exchange Company - A company which furnishes local exchange telephone service.

Major Credit Card - A universally accepted charge card. MasterCard, VISA, Diner's Club International, American Express and Carte Blanche are examples of major credit cards which the Company may accept.

Night/Weekend - From 11:00 p.m. up to, but not including, 8:00 a.m. Sunday through Friday, and 8:00 a.m. Saturday up to, but not including 5:00 p.m. Sunday.

PIN(s) - One or more multi-digit (usually 8 or more) personal identification numbers which have been assigned to a customer to use with a designated 800 number, or other access number, to access the Company's network.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (contd.)

Underlying Carriers - Those KPSC approved telecommunications service providers whose services the Company resells to its customers under the provisions of this tariff.

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SECTION 2 - RULES AND REGULATIONS

2.1 Undertaking of Mercury Long Distance, Inc.

Mercury Long Distance, Inc.'s facilities are furnished for communications originating at specified points within the State of Kentucky under terms of this tariff.

Mercury Long Distance, Inc. operates, and maintains the communication services provided hereunder in accordance with the terms and conditions set forth under this tariff. When authorized by the customer, the Company may act as the customer's agent for ordering access connection facilities provided by other carriers or entities to allow connection of a customer's location to the Mercury Long Distance, Inc. network. The customer shall be responsible for all charges due for such service arrangement.

The Company's services are provided on a monthly basis unless ordered on a longer time basis, and are available twenty-four hours per day, seven days per week.

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of facilities and the provisions of this tariff.
- 2.2.2 Mercury Long Distance, Inc. reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control, or when the customer is using service in violation of the law or the provisions of this tariff.
- 2.2.3 All services provided under this tariff are directly controlled by Mercury Long Distance, Inc. and the customer may not transfer or assign the use of service, except with the express consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.

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PURSUANT TO 807 KAR 5.011,
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SECTION 2 - RULES AND REGULATIONS (contd.)

2.3 Liabilities of the Company

2.3.1 Mercury Long Distance, Inc.'s liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring due to the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which the aforementioned faults in transmission occur.

2.3.2 Mercury Long Distance, Inc. shall be indemnified and held harmless by the customer against:

- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
- (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by Mercury Long Distance, Inc.

2.4 Interruption of Service

2.4.1 Credit allowances for the interruption of service, which is not due to the Company's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in 2.3.1 herein. It shall be the obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is desired.

Before giving such notice, the customer shall ascertain that the trouble is not being caused by an action or omission by the customer within the customer's control, or is not due to the wiring or equipment, if any, furnished by the customer and connected to the Company's facilities.

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SECTION 2 - RULES AND REGULATIONS (contd.)

2.4 Interruption of Service (cont'd)

- 2.4.2 For the purposes of credit computation, every month shall be considered to have 720 hours.
- 2.4.3 No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.4.4 The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the fixed monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

$$\text{Credit} = \frac{A}{720} \times B$$

"A" -- outage times in hours

"B" -- total fixed monthly charge for affected facility

2.5 Suspension-of-Service Guidelines

Service will be suspended without notice in the following situations:

- 1) The customer obtained service fraudulently; or
- 2) A safety hazard is found on the customer's premises.

2.6 Restoration of Service

Restoration of service shall be done as quickly as practicable by patching, rerouting, substitution of component parts or pathways, and other means, as determined necessary by the Company.

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SECTION 2 - RULES AND REGULATIONS (contd.)

2.7 Billing Periods

If the customer is being billed for service to the home or office, the Customer will receive an itemized statement of account after the 30-day cycle. This bill will reflect the Company's name and toll-free number alongside the charge.

2.8 Pay By Mail

A return envelope is included with each Customer's bill. If the return envelope is unavailable, Customers should contact the customer service telephone number indicated on the bill for the appropriate address.

2.9 Lost Bills

If a bill is lost, the Customer should call the Mercury Long Distance, Inc. service representative or Mercury Long Distance, Inc.'s designated billing agent for the amount due. Customers should be sure to include their account number, name, address and telephone number with payment.

2.10 Special Promotional Offering

The Company may, from time to time, engage in special promotional trial service offerings of a limited duration (not to exceed ninety (90) days on a per Customer basis, for non-optional, recurring charges) designed to attract new Customers or to increase existing Customer awareness of the service pending appropriate Commission notice. Special promotional trial service offerings will be offered on a non-discriminatory basis. Such offerings maybe limited to certain dates, times and locations.

2.11 Billing Dispute

In the event the customer is not satisfied with the Company's resolution of a billing dispute, the customer may make application to the KPSC for review and disposition of the matter.

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SECTION 2 - RULES AND REGULATIONS (contd.)

2.12 Forms of Payment

For the protection of the Customer, Customers should send checks or money orders payable in United States dollars with their account number, area code, and telephone number included. Cash should not be sent. Unless otherwise required by law, tariff or Commission order, partial payments received without Customer direction will be prorated by Mercury Long Distance, Inc.

2.13 Advanced Payments

The Company does not require an advanced payment from the Customer.

2.14 Responsibility of the Company

The Company endeavors to provide the best long distance service possible at a fair and competitive price.

2.15 Frequency Restrictions

There are no frequency restrictions.

2.16 Credit for Incomplete Calls

There will be no charge assessed to the customer for incomplete calls.

2.17 Minimum Call Completion Rate

A customer can expect a call completion rate (number of calls completed / number of calls attempted) of not less than 90% during peak use periods for all Company services.

2.18 Deposits

The Company does not require a deposit from the customer.

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SECTION 2 - RULES AND REGULATIONS (contd.)

2.19 Taxes

All State and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed as separate line items and are not included in the quoted rates.

2.20 Late Payments

Mercury Long Distance, Inc.'s service representative or Mercury Long Distance, Inc.'s designated billing agent should be contacted if a bill cannot be paid on time. Special payment arrangements may be possible in case of illness or other circumstances beyond one's control. Late payments may be subject to a late charge and/or may result in telephone service being suspended. A late fee of 1.5% monthly will be charged on any past due balances. Late payment charges will be applied to the original balance due for service.

2.21 Group Billing Service

Group Billing Service allows the Customer with more than one location to consolidate billing. Group Billing provides enhanced Customer bills with call summaries by NPA, time period and location.

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SECTION 3 - DESCRIPTION OF SERVICES

3.1 Usage Based Services

The Company's charges are based on the actual usage of the Company's services, in addition to any special features and/or service options, utilized by the customer. Charges begin when the called station is answered and two way communication is possible, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the Local Exchange Company sends a signal to the switch. Charges cease when either party (called or calling) hangs up, unless chained calling is permitted and, in such case, the charges will cease when the calling party hangs up.

3.2 Long Distance Network Service

The Company's Long Distance Network Service provides for the non-facilities based, switchless resale of the tariffed Software Defined Network (SDN) Service offered by various Underlying Carriers. This service is a custom designed private telecommunication network that combines the efficiencies and benefits of both switched and private line service to meet the specific requirements of customers needing to communicate between geographic locations within the State. The method of mileage calculation utilized by the Company mirrors that of Bell Communications Research and NPA-NXX V & H Coordinates Tape and Bell's NECA Tariff No. 4.

Each service customer is charged individually for each call on a conversation minute basis. Each call is measured and charged at the applicable rate for the initial sixty (60) second period or fraction thereof, and then at the applicable rate for each additional sixty (60) second period or fraction thereof. The minimum length of a call is sixty (60) seconds. See Section 4, Rates, for the applicable rate schedule.

Dedicated access circuits may be provided and billed by the local exchange company (LEC). Dedicated access channels may be purchased from carriers other than the LEC only in accordance with KPSC rules or if the special access channel is jurisdictionally interstate. Charges for the dedicated access channel are determined by the access provider.

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SECTION 3 - DESCRIPTION OF SERVICES (contd.)

3.5 Directory Assistance Service

Directory Assistance Service is provided by Mercury's Underlying Carrier(s) to assist subscribers in obtaining telephone numbers.

3.6 Accessing Service

The service provided by the Company, through its Underlying Carrier(s), is one way dial in - dial out, multi-point telecommunications services, allowing the Customer to originate calls through the network facilities of the Underlying Carrier(s). Customers may originate calls only in the city or cities where they have an active account. Access to the Company may differ dependent upon the type of exchange access service provided by the local exchange telephone company to the Underlying Carrier(s).

3.7 Availability of Service

The services provided through the Company, are available where equal access and the Billing Systems of its Underlying Carriers are provided.

3.8 Locations of Service

The services offered by the Company are to be available statewide, where the long distance services of its Underlying Carriers are available. The services offered by the Company are not intended to be limited geographically.

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SECTION 3 - DESCRIPTION OF SERVICES (contd.)

3.9 Timing of Calls

- 3.9.1 Long distance usage charges are based on usage of Mercury Long Distance, Inc.'s service. Chargeable time begins when a connection is established between the calling station and the called station. Chargeable time ends when either party "hangs up" thereby releasing the network connections.
- 3.9.2 Minimum call duration and usage measurement and rounding for debiting purposes is specified on per-product basis in the rate section of this tariff.
- 3.9.3 There is no charge applied for incomplete calls.

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SECTION 4 - RATES

4.1 Long Distance Network Usage Rates

- 4.1.1 The calls placed through the Company are rated using one of the following schedules. If the total charge includes a fraction of a cent, the fraction is rounded to the next whole cent (e.g., \$4,101.345 would be rounded to \$4,101.35).
- 4.1.2 Day, Evening and Night rate periods apply to Long Distance Network usage. The rates apply for all days of the week including holidays. The Day rate period is 8:00 a.m. to, but not including, 5:00 p.m., Monday through Friday and 5:00 p.m. to, but not including, 11:00 p.m. Sunday. The Night/Weekend Rate period is 11:00 p.m. to, but not including, 8:00 a.m. Monday through Sunday, all day Saturday, and from 8:00 a.m. to, but not including, 5:00 p.m. Sunday. For New Year's Day (January 1), Independence Day (July 4), Labor Day, Thanksgiving Day and Christmas Day (December 25), the Evening Rate applies.

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SECTION 4 - RATES (contd.)

4.2 Long Distance Network Usage Rates

4.2.1 Kentucky Intrastate Interlata Rates

Monthly Charge: \$20.00
Minutes: 1000
Additional Minutes: \$0.10/minute

4.2.2 Kentucky Intrastate Intralata Rates

Monthly Charge: \$20.00
Minutes: 1000
Additional Minutes: \$0.10/minute

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SECTION 4 - RATES (contd.)

4.3 Exemptions and Special Rates

4.3.1 Discount for Hearing Impaired Customers:

A telephone toll message which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing and speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons will receive, upon request, calls placed between TDDs. The credit to be given on a subsequent bill for such calls placed between TDDs will be equal to applying the evening rate during business day hours and the night/weekend rate during the evening rate period. Discounts do not apply to surcharges or per call add on charges for operator service when the call is placed by a method that would normally incur the surcharge.

4.3.2 Operator Assistance for Handicapped Persons:

Operator station surcharges will be waived for operator assistance provided to a caller who identified him or herself as being handicapped and unable to dial the call because of a handicap.

4.3.3 Directory Assistance for Handicapped Persons:

There is no charge for Directory Assistance for calls from handicapped persons. Such persons must contact the Company for credit on their directory assistance calls.

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